

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 NICHOLAS A. SANCHEZ, State Bar No. 207998
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
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6

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 MICHAEL TROY CAMPBELL
15029 Fox Ridge Drive
13 Fontana, CA 92336
Registered Nurse License No. 653501
14

Respondent.

Case No. 2007-300

OAH No. L-2007080107

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
22 by Nicholas A. Sanchez, Deputy Attorney General.

23 2. Michael Troy Campbell (Respondent) is representing himself in this
24 proceeding and has chosen not to exercise his right to be represented by counsel.

25 3. On or about February 28, 2005, the Board of Registered Nursing issued
26 Registered Nurse License No. 653501 to Michael Troy Campbell (Respondent). The was in full
27 force and effect at all times relevant to the charges brought in First Amended Accusation No.
28 2007-300 and will expire on February 28, 2009, unless renewed.

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1 15. Respondent shall cause to be delivered to the Board both his wall and
2 pocket license certificate on or before the effective date of the Decision and Order.

3 16. Respondent fully understands and agrees that if he ever files an application
4 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
5 petition for reinstatement. Respondent must comply with all the laws, regulations and
6 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
7 of the charges and allegations contained in First Amended Accusation No. 2007-300 shall be
8 deemed to be true, correct and admitted by Respondent when the Board determines whether to
9 grant or deny the petition.

10 17. Upon reinstatement of the license, Respondent shall pay to the Board costs
11 associated with its investigation and enforcement pursuant to Business and Professions Code
12 section 125.3 in the amount of Three Thousand Six Hundred Eighty-Five Dollars and
13 Seventy-Five Cents (\$3,685.75). Respondent shall be permitted to pay these costs in a payment
14 plan approved by the Board.

15 18. Should Respondent ever apply or reapply for a new license or certification,
16 or petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in First Amended Accusation, No.
18 2007-300 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
19 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

20 19. Respondent shall not apply for licensure or petition for reinstatement for
21 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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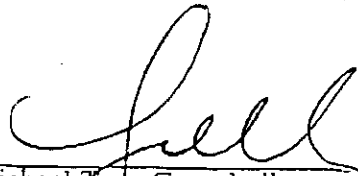
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 1/2/08



Michael Troy Campbell
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 1/30/2008

EDMUND G. BROWN JR., Attorney General
of the State of California

MARC D. GREENBAUM
Supervising Deputy Attorney General



NICHOLAS A. SANCHEZ
Deputy Attorney General

Attorneys for Complainant

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Exhibit A
First Amended Accusation No. 2007-300

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 NICHOLAS A. SANCHEZ, State Bar No. 207998
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2542
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 MICHAEL TROY CAMPBELL
13 15029 Fox Ridge Drive
Fontana, CA 92336

14 Registered Nurse License No. 653501

15 Respondent.

Case No. 2007-300

OAH No. L-2007080107

FIRST AMENDED ACCUSATION

16
17
18 Complainant alleges:

19 PARTIES

- 20 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Amended
21 Accusation solely in her official capacity as the Executive Officer of the Board of Registered
22 Nursing, Department of Consumer Affairs.
- 23 2. On or about February 28, 2005, the Board of Registered Nursing issued
24 Registered Nurse License Number 653501 to Michael Troy Campbell (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on February 28, 2009, unless renewed.
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1 7. Section 490 of the Code states:

2 “A board may suspend or revoke a license on the ground that the licensee has
3 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
4 duties of the business or profession for which the license was issued. A conviction within the
5 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
6 contendere. Any action which a board is permitted to take following the establishment of a
7 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
8 been affirmed on appeal, or when an order granting probation is made suspending the imposition
9 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
10 Penal Code.”

11 8. Section 493 of the Code states:

12 “Notwithstanding any other provision of law, in a proceeding conducted by a
13 board within the department pursuant to law to deny an application for a license or to suspend or
14 revoke a license or otherwise take disciplinary action against a person who holds a license, upon
15 the ground that the applicant or the licensee has been convicted of a crime substantially related to
16 the qualifications, functions, and duties of the licensee in question, the record of conviction of the
17 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
18 and the board may inquire into the circumstances surrounding the commission of the crime in
19 order to fix the degree of discipline or to determine if the conviction is substantially related to the
20 qualifications, functions, and duties of the licensee in question.

21 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
22 ‘registration.’”

23 9. Section 726 of the Code states:

24 “The commission of any act of sexual abuse, misconduct, or relations with a
25 patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary
26 action for any person licensed under this division, under any initiative act referred to in this
27 division and under Chapter 17 (commencing with Section 9000) of Division 3.

28 ///

1 "This section shall not apply to sexual contact between a physician and surgeon
2 and his or her spouse or person in an equivalent domestic relationship when that physician and
3 surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse
4 or person in an equivalent domestic relationship."

5 10. California Code of Regulations, title 16, section 1444, states:

6 "A conviction or act shall be considered to be substantially related to the
7 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
8 present or potential unfitness of a registered nurse to practice in a manner consistent with the
9 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
10 following:

11 "(a) Assaultive or abusive conduct including, but not limited to, those violations
12 listed in subdivision (d) of Penal Code Section 11160.

13 ...

14 "(d) Any conviction or act subject to an order of registration pursuant to Section
15 290 of the Penal Code."

16 11. Section 11160, subdivision (d) of the Penal Code, states:

17 "For the purposes of this section, 'assaultive or abusive conduct' shall
18 include any of the following offenses:

19 ...

20 "(9) Sexual battery, in violation of Section 243.4.

21 ...

22 "(24) An attempt to commit any crime specified in paragraphs (1) to (23),
23 inclusive."

24 12. Section 118, subdivision (b), of the Code provides that the surrender of a
25 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
26 period within which the license may be renewed, restored, reissued or reinstated.

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1 13. Section 125.3 of the Code provides, in pertinent part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5 FIRST CAUSE FOR DISCIPLINE

6 (Conviction of a Substantially Related Crime)

7 14. Respondent is subject to disciplinary action under sections 2761(f) and
8 490 of the Code, in that he was convicted of an offense substantially related to the qualifications,
9 functions, and duties of a registered nurse, as defined by California Code of Regulations, title 16,
10 section 1444, subdivisions (a) and (d). On December 6, 2006, Respondent was convicted
11 following a four-day jury trial for violating five (5) counts of section 243.4(E)(1) of the Penal
12 Code (sexual battery), a misdemeanor, in the criminal proceeding entitled *People of the State of*
13 *California v. Michael Troy Campbell*, Los Angeles Superior Court Case No. BA300686.

14 SECOND CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct)

16 15. Respondent is subject to disciplinary action under section 2761,
17 subdivisions (a) and (d) of the Code, for unprofessional conduct in that Respondent engaged in
18 conduct that a prudent and responsible registered nurse would not engage. The circumstances are
19 as follows:

20 a. As set forth in paragraph 14 above, on or about January 28, 2006, Respondent
21 willfully and unlawfully touched an intimate part of Patient EG¹, while Patient EG was
22 institutionalized for medical treatment and was seriously disabled and medically incapacitated,
23 against the will of Patient EG for the specific purpose of sexual arousal, sexual gratification, or
24 sexual abuse.

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28 1. EG's name will be revealed to Respondent during discovery. EG is used here to protect
the patient's privacy.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Sexual Abuse, Misconduct, or Relations with a Patient or Client)

3 16. Respondent is subject to disciplinary action under Business and
4 Professions Code section 726 for unprofessional conduct in that he committed sexual abuse,
5 misconduct, or engaged in relations with a patient or client, in the performance of his functions
6 and duties as a licensed registered nurse. The allegations contained in paragraphs 14 and 15
7 above are incorporated by reference as if fully set forth.

8 DISCIPLINE CONSIDERATIONS

9 17. To determine the degree of discipline, Complainant alleges that on or
10 about February 24, 2005, the Board reviewed Respondent's prior conviction history (2004,
11 disturbing the peace, Pen. Code § 602(k)) and approved his registered nurse license application.

12 PRAYER


13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 653501, issued
16 to Michael Troy Campbell.

17 2. Ordering Michael Troy Campbell to pay the Board of Registered Nursing
18 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: 11/30/2007

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24 
25 RUTH ANN TERRY, M.P.H., R.N.
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MICHAEL TROY CAMPBELL
15029 Fox Ridge Drive
Fontana, CA 92336
Registered Nurse License No. 653501

Respondent.

Case No. 2007-300

OAH No. L-2007080107

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 1, 2008.

It is so ORDERED April 1, 2008.

LaTranene W. Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS